



Special Report

BYRON L. DORGAN
CHAIRMAN

DPC Staff Contact: Policy Team (202) 224-3232
DPC Press Contact: Barry Piatt (202) 224-0577

February 11, 2010

Available Online: dpc.senate.gov

Republicans Should Join Democrats and Say “Yes” to Progress for the American People

Senate Democrats began the 111th Congress by extending the hand of cooperation to Republicans in order to deal with the greatest economic and financial crises since the Great Depression. The scope and extent of these challenges, which included a deep recession and the loss of millions of jobs, mounting foreclosures and a steep decline in home prices, and an entire financial system close to collapse, called for cooperation and quick action by Democrats and Republicans in Washington.

Unfortunately, Senate Republicans decided to put partisanship and their own perceived political advantage over cooperation and attempted to block nearly every part of the Obama Administration’s legislative agenda – even measures they had previously supported and urged Democrats to enact. Among many other items, Republicans blocked funding for our troops, combating discrimination in the workplace, assisting the unemployed, extending health insurance to 30 million more Americans, and establishing a deficit reduction commission. With so much at stake, Senate Democrats are once again calling for our Republican colleagues to work with us to ensure that every American who wants a job has a job – and that America’s brightest days are ahead of us.

Senate Republicans Have Almost Reflexively Resorted to a Level of Unprecedented Obstructionism

Senate Republicans have delayed nearly every piece of major legislation in the 111th Congress, using parliamentary tricks and political games to attempt to grind legislation to a halt. By repeatedly threatening to filibuster, the GOP has forced more than 40 cloture votes in the Senate so far. This means that the Senate cannot move or pass legislation with a constitutional majority (50 percent plus one), but needs a super-majority of 60 votes to even consider legislation, even the non-controversial bills that, when finally brought to a vote, ultimately pass with overwhelming bipartisan support.

Indeed, some of the measures Republicans have blocked end up passing with 75, 80 and 90 votes – sometimes even unanimously. This is not an honest, good faith effort to stop what they consider to be “bad bills” – it is a stalling tactic to maintain the status quo and stop every effort by the President and the Senate to get things done for the American people.

Overcoming Republican objections and filibuster threats requires several procedural steps, and wastes a lot of time, which prevents the Senate from moving forward with important legislation

to support Americans. Essentially, forcing the Majority Leader to file cloture slows down the process by two days plus 30 additional hours. This means that a bill that would normally take two or three hours can sometimes take a week or more. And, according to the rules of the Senate, once cloture is filed, the Senate cannot vote on any other pieces of legislation.

In the full two-year term of the 109th Congress – when Democrats were in the minority – the Senate had only 52 cloture votes on minority filibusters. Prior to the 110th Congress, the all-time high for cloture votes in a two-year term was 57. We are only half-way through the 111th Congress and Republicans are already on track to shatter their previous record for obstructionism.

Republicans Have Delayed Critical Economic Legislation

Republicans tried to keep the Senate from debating a bill to provide women equal pay for equal work. Republicans forced a cloture vote on the motion to proceed to a bill allowing employees to file charges of pay discrimination within 180 days of the last received paycheck affected by the alleged discriminatory decision. The *Lily Ledbetter Fair Pay Act of 2009* (**S. 181**) restored the “pay-check accrual” interpretation to ensure that employees who can prove pay discrimination based on race, color, religion, sex, national origin, age or disability will not be barred from seeking redress because they did not learn they were victims of pay discrimination within six months after the discriminatory decision was first made. Cloture was invoked with a vote of 72-23. [Roll Call Vote [4](#), 1/15/09] The bill was then approved by the Senate by a vote of 61-36, ending a nearly two-year battle to overturn a Supreme Court decision that made it more difficult for victims of pay discrimination to seek redress and receive justice. [Roll Call Vote [14](#), 1/22/09]

Republicans forced a cloture vote on a bill to reign in mortgage fraud. After years of lax regulation by the Bush Administration, thousands of fraud allegations went unexamined and many instances of fraud went unchecked. This fraud ultimately contributed to the global economic crisis. The *Fraud Enforcement and Recovery Act of 2009* (**S. 386**) proposed to enhance, strengthen and rebuild the government’s ability to investigate and prosecute the increasing instances of mortgage and corporate fraud. Republicans, however, blocked consideration of this bill, forcing Democrats to file a cloture motion to stave off a threatened filibuster. Cloture was invoked with a bipartisan vote of 84-4 and the bill was approved by an overwhelming 92-4 vote. [Roll Call Vote [171](#), 4/27/09]

Republicans sought to block a bill protecting consumers from credit card companies. Republicans sought to block the *Credit Card Accountability Responsibility and Disclosure Act of 2009* (**H.R. 627**) bipartisan legislation to stop credit card companies from misleading their customers with hidden charges and confusing terms. The bill imposes restrictions on credit card company lending practices, including prohibiting companies from raising rates on cardholders during an account’s first year. It requires companies to give at least 45 days notice before increasing an annual percentage rate or changing an open-ended contract, and restricts companies from computing interest charges on balances based on more than one billing cycle. After forcing Democrats to file cloture on the bill, Republicans withdrew their filibuster threat, and the bill ultimately passed by an overwhelming vote of 90-5. [Roll Call Vote [194](#), 5/19/09]

Travel Promotion Act. In June 2009, Senate Republicans obstructed the passage of the *Travel Promotion Act* (**S. 1023**). The legislation would establish a non-profit corporation to better communicate U.S. entry policies to international travelers and promote leisure, business

and scholarly travel to the United States. Travel and tourism generate approximately \$1.3 trillion in economic activity each year in the United States and support 8.3 million direct travel-related jobs. This legislation would create an Office of Travel Promotion within the Department of Commerce to coordinate with the non-profit to promote additional travel to the United States expanding economic activity. Even though the legislation had bipartisan support and 34 co-sponsors, Republicans prevented this legislation from moving forward in a timely manner by forcing Democrats to file cloture. Ultimately, the bill passed by an overwhelming vote of 79-19 demonstrating the strong bipartisan support for the legislation. [Roll Call Vote [272](#), 9/9/09]

Republicans delayed passage of an unemployment insurance extension bill, hurting thousands of American families. Republicans delayed a bill to extend critical unemployment benefits by 14 weeks for workers who have used their regular 26 weeks of state compensation and provide an additional six weeks to workers in states with unemployment rates higher than 8.5 percent. A bipartisan compromise was found between Senators from high unemployment states and other Senators, but Republicans held up a final vote on the bill for days with procedural maneuvers undertaken for the sole purpose of delaying action, to the detriment of those Americans who have been hit hardest by the recession. In the end, Republicans voted for the bill at every turn and the bill was ultimately approved by a unanimous 98-0 vote. [Roll Call Vote [334](#), 11/2/09]

- Republicans objected to the mere consideration of legislation to extend unemployment benefits. In early October on the Senate floor, Senator Kyl objected on behalf of the Republicans to considering extending unemployment benefits for Americans who needed it immediately. Senator Kyl said, “I have no doubt that at the appropriate time we’ll be able to work out some kind of agreement. But our side is going to need some time to look at it. We’ll need some Republican ideas or amendments as well and need a CBO score. So at this time I’ll have to – on behalf of members on our side – impose an objection.” [Congressional Record, 10/8/09]
- Republicans then objected to passing the unemployment benefits extension without unrelated amendments. The Republican caucus continued their attempt to load the legislation with amendments ranging from e-Verify to ACORN. Republican Leader McConnell explained that he just couldn’t support passing a clean bill: “[S]imply cutting people off and not allowing any amendments at all is not an acceptable approach. Therefore, I object.” [Congressional Record, 10/26/09]
- Republicans objected to passing the unemployment benefits extension. Republican Leader McConnell said: “I am going to object because this is the same subject we’ve been going back on for days... Therefore, I object.” [Congressional Record, 10/29/09]

Senate Republicans Delay for the Sake of Delaying Health Insurance Reform

Senate Republicans have used block and blame tactics simply to delay health insurance reform for as long as possible – with no intention of meaningfully contributing to the policy debate.

Obstruction playbook. Any notion that Senate Republicans intended to engage in a constructive debate on health insurance reform was shattered on December 1, 2009, the second full day of consideration of the *Patient Protection and Affordable Care Act (H.R. 3590)*, when Senator Gregg sent his Republican colleagues an obstruction playbook. [*Politico*, [12/1/2009](#)] Using phrases such as “Filibuster by Amendment,” and encouraging Senators with questions to

“contact my communications office,” rather than, for instance, his policy shop, Senator Gregg’s memo made crystal clear Senate Republicans’ intent to eschew substantive debate in order to use gimmicks and games to stop, stall, delay and obstruct. The actions Senate Republicans took in the following 23 days of debate on the *Patient Protection and Affordable Care Act* demonstrated that they took Senator Gregg’s memo to heart.

Not legislating, just stalling. The first action Senate Republicans took on the *Patient Protection and Affordable Care Act* was right out of Senator Gregg’s obstruction playbook. Rather than offering an amendment designed to actually legislate, Senator McCain offered a motion to commit, that is, to send the bill back to the Finance Committee. Rather than participate in a responsible legislative process, Senator McCain filed two such motions to commit, and his colleagues, Senators Crapo, Hatch, Hutchison, and Johanns, each filed one. [Roll Call Votes [358](#), [370](#), [376](#), [362](#), [379](#), [364](#)]

Objecting to scheduling votes. On December 1, 2009, Majority Leader **Reid** asked for consent to have four votes the following day. [Congressional Record, [12/1/09](#)] Republican Leader McConnell objected to even scheduling votes, saying that a number of Republican Senators wished to speak on the issue. Following Senator McConnell’s objection to scheduling votes, just three Republican Senators spoke on the issue, and, absent an agreement, the Senate adjourned for the day without conducting any roll call votes.

Objecting to transparency in amendments. On November 30, 2009, Majority Leader **Reid** requested unanimous consent for increased transparency in the amendment process, namely, that Senators offering amendments would post such amendments on their official websites prior to their consideration. [Congressional Record, [11/30/09](#)] Senator Enzi objected.

Objecting to protecting Social Security and CLASS surpluses. On November 30, 2009, Majority Leader **Reid** asked unanimous consent that amendments be considered out of order unless they preserve the surplus in the Social Security trust fund generated by the bill for Social Security, and preserve the savings generated by the CLASS program for the CLASS program. [Congressional Record, 11/30/09, [S11985-S11986](#)] Senator Enzi objected.

Insisting on reading of amendments. As Senator Gregg’s obstruction playbook notes, “in most circumstances” the reading of the full text of amendments is dispensed with by unanimous consent. [*Politico*, [12/1/2009](#)] Republicans refused to agree to waive the reading of an amendment offered by Senator **Sanders**, insisting that most of an entire day be devoted to reading the amendment aloud. [Congressional Record, [12/16/09](#)] When Senator **Sanders** asked Senator Coburn why he continued to object to waiving reading of the amendment, Senator Coburn’s only reply was “regular order.” Senator Coburn could have read Senator **Sanders’s** amendment long before it was considered on the Senate floor; Senator **Sanders** filed the amendment two weeks earlier. [Congressional Record, [12/2/09](#), SA 2837] Similarly, on December 19, 2009, as more than 16 inches of snow fell on the DC metro area, Senators McConnell, Ensign, and Sessions objected to requests made by Majority Leader **Reid** and Senators **Tom Udall** and **Boxer** to waive the reading of the Manager’s Amendment, placing Senate and Capitol employees in danger by insisting they remain in their posts during a blizzard while the clerk spent the day reading aloud an amendment that all Senators could just as easily have read on their own. [Congressional Record, [12/19/09](#)]

Objecting to earlier votes, and praying Senators can’t vote. The Senate regularly enters into a unanimous consent agreement to waive the required 30 hours of post-cloture debate, especially when the outcome of the vote is certain. After the Senate invoked cloture on the first of three cloture votes required before voting on final passage of the legislation, Senate

Republicans could have waived the rules and allowed votes to occur earlier than they otherwise would have. Instead, Senator Coburn took to the Senate floor and said, “What the American people ought to pray for is that somebody can’t make the vote tonight.” [Congressional Record, [12/20/09](#)] To Senator Coburn’s dismay, all 60 Democratic Senators were able to “make the vote” that night and every day after that until Christmas Eve, when the *Patient Protection and Affordable Care Act* passed the Senate. [Roll Call Votes [385](#), [387](#), [388](#), [394](#), [395](#), [396](#)]

Republicans Have Blocked and Delayed National Security Priorities

Republicans attempted to block emergency security spending, delaying needed funding to provide for our troops on the battlefield and investments to make America safer at home. In May, Senate Republicans forced a cloture vote on a bill that included \$91.3 billion in emergency supplemental funding for Fiscal Year 2009. The *Supplemental Appropriations Act, 2009* (**H.R. 2346**) provided funding to support our missions in Iraq and Afghanistan – including protective equipment for our troops on the battlefield – as well as critical investments for ensuring pandemic preparedness, strengthening our border security, and bolstering counterterrorism programs. [Roll Call Vote [200](#), 5/21/09]

Senate Republicans sought to filibuster the defense appropriations bill, placing politics above our national security. In a partisan effort to derail health care legislation, Senate Republicans attempted to block consideration of the *Department of Defense Appropriations Act, 2010* (**H.R. 3326**). The move delayed funding to provide vital services and benefits to our troops and military families; support for our missions in Iraq and Afghanistan, including continued withdrawal from Iraq and enhanced counterterrorism efforts in Afghanistan; and investments to improve military equipment and ensure the readiness of our forces. Republicans made little attempt to hide their motivations for their tactics: when asked why he would oppose the legislation, Senator Brownback stated, “I don’t want health care.” The motion to invoke cloture to proceed to the bill was passed by a vote of 63-33. [Roll Call Vote [381](#), 12/18/09]

Republicans twice delayed the passage of the defense authorization bill. Senate Republicans repeatedly obstructed efforts to advance Senate consideration of the *National Defense Authorization Act for Fiscal Year 2010*, placing their opposition to hate crimes legislation over support for our troops and critically-needed investments in our military and defense programs. On July 15, 2009, Republicans forced a cloture vote to end debate on the hate crimes amendment to the bill, holding up floor progress on the bill. Again, on October 20, 2009, Republicans forced the Senate to hold a cloture vote to end debate on the Conference Report for the bill. After cloture was accepted by a vote of 64-35, the Conference Report passed two days later. [Roll Call Votes [233](#), 7/16/09; [326](#), 10/22/09]

A single Republican Senator stalled consideration of a major veterans’ health bill, delaying veterans many critical benefits and services. In November 2009, one Republican Senator delayed action on the *Caregiver and Veterans Health Services Act of 2009* (**S. 1963**), despite the fact that the provisions in the bill were adopted with unanimous bipartisan support out of the Senate Committee on Veterans Affairs in July (**S. 252**) and September (**S. 801**). Among other things, the legislation would provide vital assistance to the caregivers of the most severely wounded veterans, expand health care services to women, improve mental care treatment, provide outreach to homeless veterans, and enhance VA medical services. [Senate Committee on Veterans Affairs, [11/6/09](#)] On November 9, 2009, Senator Inhofe voiced objection on behalf of members in the Republican Caucus to a unanimous consent

request to proceed to the bill. Once the Republican hold was overcome, the Senate then passed the bill *unanimously*, by a vote of 98-0. [Roll Call Vote [352](#), 11/19/09]

Republicans Have Blocked and Delayed Other Priorities

Wilderness and public lands legislation. In March 2009, Senate Republicans obstructed the passage of the *Omnibus Public Lands Management Act (H.R. 146)*, despite the fact that the Senate had passed legislation that was nearly identical to the *Omnibus Public Lands Management Act* in January 2009. The motion to invoke cloture on the motion to proceed to the bill was accepted 73-21. The legislation, which designated over two million acres of wilderness and added over 1,000 miles of Wild and Scenic Rivers, was signed into law by the President in March, in spite of the obstruction and delays by Senate Republicans. [Roll Call Vote [99](#), 3/16/09].

Surface Transportation Extension Act of 2009. In July 2009, the Senate Minority Leader objected to the passage of the *Surface Transportation Extension Act of 2009 (S. 1498)*. The legislation would have provided for a longer-term extension of the nation's current surface transportation laws, which helps provide the certainty needed by states and other local governments and transportation authorities need to make more significant fiscal and capital commitments. [Congressional Record, [7/29/09](#)]

Appropriations Bills

- **Fiscal Year 2010 Consolidated Appropriations.** In December, Senate Republicans obstructed the passage of the *Consolidated Appropriations Act, 2010*. The legislation, which provided funding for programs like military construction, veterans, and transportation projects, was signed into law by the President in December, in spite of the obstruction and delays by Senate Republicans. [Roll Call Vote [373](#), 12/12/09]
- **Fiscal Year 2010 Agriculture and Rural Development Appropriations.** In August, Senate Republicans delayed the passage of the *Fiscal Year 2010 Agriculture and Rural Development Appropriations* bill. In a show of deliberate obstruction, more than half of the Senate Republican Caucus ended up supporting the cloture motion on the measure they were delaying the Senate from passing, and the vote on passage of the measure was agreed to by voice vote. The bill provides funding for rural communities to help spur economic development and pay for important conservation activities like watershed restorations. The legislation also contained funding for important nutrition programs, including the Supplemental Nutrition Assistance Program and federal programs that serve nutritious lunches and breakfasts to children at school. The legislation was signed into law by the President in October, in spite of the obstruction and delays by Senate Republicans. [Roll Call Vote [255](#), 8/3/09]
- **Fiscal Year 2010 Energy and Water Appropriations.** In October 2009, Senate Republicans obstructed the passage of the conference report to the Fiscal Year 2010 Energy and Water Appropriations bill. The legislation, which provided approximately \$2.25 billion in energy efficiency and renewable energy investments and \$5.45 billion for the Army Corps of Engineers to maintain the nation's water resource infrastructure, was signed into law by the President in October, in spite of the obstruction and delays by Senate Republicans. [Roll Call Vote [321](#), 10/14/09].

- Fiscal Year 2010 Commerce, Justice and Science Appropriations. In November, Senate Republicans obstructed the passage of the *Fiscal Year 2010 Commerce, Justice, Science and Related Agencies Appropriations Act*. The legislation prepares the nation to be competitive in the 21st Century global economy and protects Americans against terrorism and violent crime. When the Senate began debate of this legislation, Senate Republicans introduced anti-immigration amendments that forced Senator **Reid** to file cloture on the legislation in October. This first cloture vote failed and Senator **Reid** was forced to move on to other legislation, delaying passage. Unfortunately, when a second cloture vote on the legislation was held in November none of the Republican members of the Appropriations Committee voted to invoke cloture. The Senate was forced to wait weeks until the bill could be passed 71 to 28. The President signed the legislation into law in December, in spite of the procedural delays of the Senate Republicans. [Roll Call Vote [335](#), 11/5/09]

Voting Rights for the District of Columbia. In February 2009, Senate Republicans obstructed the passage of the *District of Columbia House Voting Rights Act*. This landmark measure would provide the District of Columbia with one voting seat in the House of Representatives and Utah, the next state in line to receive an additional representative based on the 2000 Census, a fourth seat in the House. It would bring House membership from 435 to 437 and ensure that residents of the District of Columbia possess one of the most basic rights of citizenship: to choose who represents them in Congress. Senate Republicans forced Democrats to file a cloture motion which delayed passage of the bill. [Roll Call Vote [65](#), 2/24/09]

Repeal of the Automatic Pay Adjustments for Members of Congress. In March 2009, Senator Vitter objected to unanimous consent to pass a bill to repeal the provision of a law that provides automatic pay adjustments for Members of Congress. The legislation would permanently end the automatic cost-of-living adjustment for Members of Congress. The annual pay raise would no longer occur unless Congress debate and votes on such an action. This legislation will promote accountability and transparency. Senator Vitter's objections to passage of a stand-alone bill to repeal automatic pay adjustments delayed the passage of the bill. Ultimately, Senator Vitter withdrew his objections and the legislation was passed by voice vote in March.

The Edward M. Kennedy Serve America Act. Despite widespread support for the legislation and the urgent need for public service in our communities due to the economic crisis, Republicans obstructed passage of the *Edward M. Kennedy Serve America Act (H.R. 1388)*. Republicans insisted on a cloture vote on the motion to proceed to the bill, wasting precious time on the floor of the Senate debating a motion that ultimately passed 74-14. [Roll Call Vote [108](#), 3/23/09] Republicans used procedural tactics to further delay final passage of the legislation, which ultimately did pass by a bipartisan vote of 79-19. [Roll Call Vote [115](#), 3/26/09]

Key Health Bills

- The Family Smoking Prevention and Tobacco Control Act. While most Democrats and Republicans agree on the need to reduce tobacco use by children, prevent the sale of tobacco to minors, help current smokers quit, reduce the toxicity of tobacco products, and stop misleading tobacco industry claims about their products, Senate Republicans still saw fit to obstruct passage of the *Family Smoking Prevention and Tobacco Control Act (H.R. 1256)*. Republicans insisted upon two cloture votes: cloture on the motion to proceed to the bill, which passed by a bipartisan vote of 84-11, and cloture on the bill itself, which passed by a bipartisan vote of 67-30. [Roll Call Votes [203](#) and [206](#)] Despite

dragging the legislative process on for days longer than necessary, 23 Republicans ultimately supported final passage of the legislation, with a vote of 79-17. [[Roll Call Vote [207](#), 6/11/09]

- **The Medicare Physician Fairness Act.** During this time of economic uncertainty, America's seniors deserve the peace of mind that comes with knowing their doctor is there when they need medical care. With America's physicians facing a 21.5 percent reduction in payments for treating Medicare beneficiaries, doctors were facing difficult choices about continuing to treat seniors. During the previous seven years, the Senate had acted six times to prevent similar Medicare payment reductions from taking effect. [2003: S.V. 34, S.V. 459; 2005: S.V. 363; 2006: S.V. 279; 2007: P.L. 110-73 passed by UC; 2008: S.V. 177] Yet, when Senator **Stabenow** introduced legislation to block that pay cut, Senate Republicans refused to even allow the Senate to debate the measure. [Roll Call Vote [325](#), 10/21/09]
- **The Medicare Premium Fairness Act.** Under current law, most Medicare beneficiaries are protected from having their Medicare Part B premium increase by more than their Social Security cost of living adjustment. However, with no Social Security cost of living adjustment due to the recession, 11 million seniors not protected under current law were facing cuts in their monthly Social Security checks to pay their Medicare Part B premium. When Senator **Baucus** asked for unanimous consent take up House-passed legislation to extend the hold harmless policy to all Medicare beneficiaries, Senator Coburn objected. [Congressional Record, [10/7/09](#)]

Republicans Have Delayed and Blocked the Confirmation of Key Government Officials

Senate Democrats have been forced to file cloture to overcome Republican obstruction of 14 Executive nominees. These include:

- Hilda Solis to be Secretary of Labor (cloture withdrawn, confirmed 80-17);
- Chris Hill to be U.S. Ambassador to Iraq (cloture invoked 73-17, confirmed 73-23);
- Cecilia Rouse to be a member of the Council of Economic Advisors (cloture withdrawn, confirmed by voice vote);
- David Hayes to be Deputy Secretary of Interior (cloture failed 57-39, later confirmed by voice vote);
- Harold Koh to be Legal Advisor to the Department of State (cloture invoked 65-31, confirmed 62-35);
- David Ogden to be Deputy Attorney General (cloture withdrawn, confirmed 65-28);
- Cass Sunstein to be Administrator of the White House Office of Information and Regulatory Affairs (cloture invoked 63-35, confirmed 57-40);
- Robert Groves to be Census Director (cloture invoked 76-16, confirmed by voice vote);
- Austan Goolsbee to be a member of the Council of Economic Advisors (cloture withdrawn, confirmed by voice vote);
- William Sessions to be Chair of the U.S. Sentencing Commission (cloture withdrawn, confirmed by voice vote);
- David Hamilton to be United States Circuit Judge for the 7th Circuit (cloture invoked 70-29, confirmed 59-39)
- Ben Bernanke to be Chairman of the Federal Reserve (cloture invoked 77-23, confirmed 70-30);

- Patricia Smith to be Solicitor of Labor (cloture invoked 60-32, confirmed 60-37); and
- Martha Johnson to be Director of the General Services Administration (cloture invoked, confirmed 96-0).

More than two-thirds of the nominees that Leader **Reid** has had to file cloture on were subsequently confirmed with 70 or more votes or approved without a recorded vote.

Eighty-nine nominees are currently pending on the Executive Calendar, many held up for purely political purposes. Currently, 89 Obama Administration nominees are pending on the Executive Calendar. As the *Washington Post* noted, many of these holds have little to nothing to do with the job the nominee is will be doing. For example, Republican Senator Bunning is holding up the Deputy U.S. Trade Representative nominee over a tobacco bill in the Canadian Parliament. Senator Bond had held up Martha Johnson's confirmation as head of the General Services Administration because the agency has been balking at constructing a \$175 million federal building in Kansas City. Before being unanimously confirmed, Johnson's nomination had been languishing on the Senate floor since June. Senator Vitter is holding up a nominee to the "Environmental Protection Agency until the EPA agrees to delay issuing regulations on formaldehyde, which has been classified as a probable human carcinogen. The irony of Vitter's hold is that one of the biggest potential problems with the chemical involves Hurricane Katrina survivors exposed to formaldehyde in FEMA trailers." [Senate Executive Calendar, accessed [2/9/10](#); Ruth Marcus, *Washington Post*, [10/7/09](#)]

In the past year, Republicans have obstructed the confirmation of critical personnel at:

- The Department of Labor. Throughout much of February, Senate Republicans delayed the nomination of Hilda S. Solis to be Secretary of Labor. The nomination of Hilda Solis was favorably reported by the Health, Education, Labor and Pensions Committee in February by voice vote. Ultimately, Ms. Solis was confirmed by the Senate by a vote of 80 – 17. [Roll Call Vote [66](#), 2/24/09]

Senate Republicans obstructed the nomination of Patricia Smith to be Solicitor of Labor for almost an entire year. The President nominated Patricia Smith in April, the Senate HELP Committee held a hearing in May, and she was favorably reported by the Committee in October. Ms. Smith went through a vigorous vetting process and she answered more than 50 questions from Senate Republicans. Ultimately, she was confirmed by the Senate by a vote of 60-37. [Roll Call Vote [17](#), 2/1/09]

In addition, Senate Republicans have delayed the nomination of Craig Becker to be a member of the National Labor Relations Board (NLRB) for the past eight months. The President nominated Mr. Becker in July 2009. The Senate HELP Committee voted on his nomination last fall and he was favorably reported by the Committee by a vote of 15 to 8, with the support of two Republican Senators. Last year, a Republican Senator placed a hold on Mr. Becker's nomination, which caused the nomination to have to be moved through the Senate HELP Committee again this year.

Republican Senators demanded that a hearing be held on the Becker nomination, even though only one hearing has been held for a member of the NRLB since 1985. Earlier this month, the HELP Committee held the hearing. Over the course of the last eight months, Mr. Becker has also responded to over 300 written questions submitted by Republican Senators. He has also met with all Senators interested in speaking with him.

Unfortunately, the Senate vote on the motion to invoke cloture on the nomination (which required 60 votes) failed 52 -33, delaying the progress of Mr. Becker's nomination.

The Department of Justice. Senate Republicans obstructed the confirmation of David Ogden to be Deputy Attorney General, the number two position at the Department of Justice. The nomination of Mr. Ogden was favorably reported by the Senate Judiciary Committee in February by a vote of 14 to 5, but Republicans continued to obstruct the nomination for several weeks. Ultimately, Mr. Ogden was confirmed by the Senate by a vote of 65-28. [Roll Call Vote [97](#), 3/12/09]

From April through October 2009, Senate Republicans blocked the nomination of William Sessions to be Chair of the U.S. Sentencing Commission. The nomination of Mr. Sessions was unanimously reported by the Senate Judiciary Committee in May. In June, Senator **Reid** asked unanimous consent that the Senate proceed to executive session to consider the Sessions nomination. The Minority Leader objected. In October, a cloture motion was filed to close debate on the nomination. Ultimately, Republicans withdrew their filibuster and Mr. Session was eventually confirmed by the Senate by voice vote on October 21. [Roll Call Vote [17](#), 2/1/10]

- The Judiciary. In the 111 Congress, Senate Republicans have continued to delay the confirmation of President Obama's nominations to federal district and circuit courts. Senate Republicans are preventing the delivery of justice and undermining a functioning judiciary by causing the growing number of judicial vacancies. There are currently over 100 vacancies in the circuit and district courts.

Senate Republicans delayed the confirmation of David Hamilton as the United States Circuit Judge for the 7th Circuit for eight months. After Senate Republicans delayed the Judiciary Committee hearing on his nomination for nearly a month, Judge Hamilton was favorably reported out of the Judiciary Committee with a vote of 12-7. Senator **Reid** ultimately had to file cloture on the Hamilton confirmation. Cloture was invoked in November by a vote of 70-29 and Judge Hamilton was ultimately confirmed with a vote of 59-39.

- The Department of Defense. From July to September 2009, as our nation fought two wars, Senate Republicans placed a hold on the nomination of John McHugh – a Republican whose confirmation had initially been viewed as routine – to be Secretary of the Army. For more than a month, despite his clear qualifications and widespread bipartisan backing, Republican Senators Brownback and Roberts blocked his confirmation. Mr. McHugh was eventually confirmed by unanimous consent. [Nomination PN691]

As our troops were fighting bravely in Afghanistan and redoubling our efforts to regain momentum against the Taliban and the al Qaeda threat, Republicans delayed action on the confirmation of Lt. General Stanley McChrystal to serve as the top commander of our mission there. For more than a month – during May and June – Senate Republicans stalled his nomination, despite the critical nature of our mission in Afghanistan. Gen. McChrystal was confirmed by voice vote on June 10. [PN467]

Republicans also obstructed the confirmation of Dr. Clifford Stanley to be the Undersecretary of Defense for Personnel and Readiness, a critical position in which he will serve as the senior policy advisor to Defense Secretary Gates for recruiting,

retention, pay and benefits issues for 2.7 million active-duty, National Guard, and reserve forces as well as nearly 700,000 DoD civilian employees. Maj. Gen. Stanley was confirmed by the Senate Armed Services Committee in December. Yet, earlier this month, Republican Leader McConnell objected to the unanimous consent request to proceed to Stanley's nomination on behalf of Senator Shelby, blocking this key nominee at a time when our military is working to ensure continued readiness in the midst of two overseas contingency operations.

Last week, Senator Shelby placed a blanket hold over 70 of the Administration's Air Force nominees before the Senate – obstructing action on more than 70 qualified nominees reportedly to gain the Administration's attention on an Air Force tanker acquisition issue of interest to his state. Although the Senator dropped his blanket hold this week, he has continued his hold on three critical Air Force nominees – in a clear bid to win support for a federally-funded DoD program that would benefit Alabama – including Terry Yonkers, to serve as Assistant Secretary of the Air Force; Frank Kendall, to serve as Principal Deputy Under Secretary of Defense for Acquisition, Technology, and Logistics; and Erin Conaton, to serve as Under Secretary of the Air Force.

- The Department of State. In June, press reports stated that Republican Senator Kyl had placed a blanket hold on all of the Administration's State Department nominees. Although the Senator never confirmed the hold, at that time he did acknowledge his objection to moving forward with a vote on the confirmation of Ellen Tauscher to be Undersecretary of State for Arms Control and International Security. Despite Ms. Tauscher's qualifications as a seven-term House Member and as the chair of the Armed Services Strategic Forces Subcommittee, the Republican Senator placed a hold on her confirmation. The move delayed the seating of the chief official responsible for advancing the President's nonproliferation agenda, including the negotiation of an arms reduction treaty with Russia. The day Senator Kyl lifted his hold, the Senate Foreign Relations Committee voted unanimously to confirm Tauscher.

From July to November, as the Administration sought to improve our relations with Latin America and manage a highly sensitive situation in Honduras, Republicans obstructed the confirmations of senior diplomats to the region, including Arturo Valenzuela to serve as Assistant Secretary of State for Western Hemisphere Affairs and Thomas Shannon to serve as Ambassador to Brazil. Republican Senator DeMint maintained a hold on both of these nominees through early November. Valenzuela was finally confirmed on November 5, while Shannon was confirmed on December 24, following a second hold on his confirmation by Republican Senator LaMieux. [PN554 and PN504]

- Intelligence nominees. For more than a month, Republicans have obstructed the confirmation of two key intelligence officials: Caryn Wagner to serve as the head of the Office of Intelligence and Analysis at DHS and Philip Goldberg to serve as the head of the State Department's Bureau of Intelligence and Research. Despite receiving unanimous bipartisan support of the members of the Senate Select Intelligence Committee in December, at least one unknown Senator continues to obstruct the confirmation of these key positions. [Senate Nominations, accessed [2/9/10](#)]
- Department of Homeland Security. Republicans have delayed and obstructed the confirmation of numerous DHS nominees, hindering progress on the Obama Administration's national security agenda. From July to November, as we faced

challenges of a flu epidemic at home and continued threats from global terrorism, Senate Republicans blocked the confirmation of Dr. Tara O'Toole to be Undersecretary for the Science and Technology Directorate at DHS. After more than three months of delay, Dr. O'Toole was confirmed by voice vote on November 5. In May, Senator Vitter stalled action on the nomination of Craig Fugate as Administrator of the Federal Emergency Management Agency, delaying his nomination for nearly two weeks. [PN405 and PN204]

- The Department of Commerce. Senate Republicans obstructed the nomination of Robert Groves to be Director of the Census for almost four months. Robert Groves was nominated by the President in April and was unanimously confirmed by the Senate Homeland Security and Governmental Affairs Committee in May. Despite the overwhelming support of the Committee, Republicans delayed a final Senate vote by placing holds on his nomination. Ultimately, Robert Groves was confirmed by the Senate in July 2009 with a vote of 76-15. [Roll Call Vote [230](#), 7/13/09]
- General Services Administration. Senate Republicans obstructed the nomination of Martha Johnson to be Administrator of General Services Administration (GSA) for nine months. Ms. Johnson was nominated by the President in April and was unanimously supported by the Senate Homeland Security and Governmental Affairs Committee. Ultimately, Martha Johnson was confirmed by the Senate in February 2010 by a unanimous vote of 96-0. [Roll Call Vote [19](#), 2/4/10].
- The Department of Interior. Throughout April, Senate Republicans obstructed the nomination of Thomas Strickland to be Assistant Secretary for Fish and Wildlife. The nomination of Mr. Strickland was favorably reported by the Energy and Natural Resources Committee in March 2009 by unanimous consent. Republicans blocked the nomination for over a month. Ultimately, Thomas Strickland was confirmed by the Senate by a vote of 89 to 2 under an agreement that required 60 votes for confirmation. [Roll Call Vote [175](#), 4/30/09]

From March through May 2009, Senate Republicans obstructed the nomination of David Hayes to be Deputy Secretary of the Interior. Initially, after forcing the Senate to file cloture on his nomination, which was favorably reported out by the Energy and Natural Resources Committee in March, the Senate was unable invoke cloture on his nomination due to absence of Senators. Seven days later, the nomination of David Hayes was agreed to by voice vote. [Roll Call Vote [189](#), 5/30/09].

From April through June 2009, Senate Republicans obstructed the nomination of Hilary Tompkins to be Solicitor of the Department of Interior. The nomination of Ms. Tompkins was favorably reported by the Energy and Natural Resources Committee in April. Republicans blocked the nomination for over a month and half. Ultimately, Ms. Tompkins was confirmed by the Senate by voice vote.

- The Department of Health and Human Services. From July through October 2009, as the nation and the world dealt with the global pandemic of the H1N1 influenza virus, Senate Republicans obstructed confirmation of Dr. Regina Benjamin to be the Surgeon General. Despite the urgent need to have a Surgeon General in place, and despite Dr. Benjamin's strong qualifications, Republicans blocked her confirmation for three months. Dr. Benjamin was ultimately confirmed by voice vote. [Nomination PN799]

In Spite of Unprecedented Obstructionism, Senate Democrats Are Committed to Building the Road to Recovery for the American People.

After the Bush Administration largely ignored our most important domestic priorities and weakened regulations that led to the near collapse of our financial system, Democrats began the 111th Congress by acting swiftly to stabilize the nation's economy and keep the country from entering a deep and protracted depression.

In just one year, Senate Democrats helped more families stay in their homes, provided more children with health care, cut taxes cuts for middle-class families and small businesses, restored equal pay for equal work, took on the credit card companies and extended vital safety net programs. Looking forward, Senate Democrats will continue to focus on creating jobs, reform the way Wall Street does business, restore fiscal discipline, and finish our historic push to enact health insurance reform that benefits all American families.

As we move forward, Senate Democrats once again urge Senate Republicans to defy their reputation as the "Grand Obstructionist Party" and join us in our effort advance the priorities of middle-class Americans, starting with helping to create jobs and making the American dream more affordable.